

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
PARKERSBURG DIVISION**

HARRY F. DEEM, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 6:10-cv-01339

AMES TRUE TEMPER, INC., et al.,

Defendants.

ORDER

Pending before the court is the plaintiffs' Unopposed Motion for Preliminary Approval of Settlement, Conditional Class Certification for Settlement Purposes Only and Entry of Scheduling Order [Docket 71], filed January 30, 2013. For reasons appearing to the court, the motion is **GRANTED**.

The court previously certified a class in this class action [Docket 23]. This case was closed and retired from the active docket on September 24, 2012, when the parties informed the court of a pending settlement [Docket 70]. In anticipation of a hearing for court approval of the class settlement, the plaintiffs filed the Unopposed Motion [Docket 71] before the court. The motion asks the court to decertify the class previously certified, and instead certify a very similar settlement class. The plaintiffs support the motion for certification with the necessary arguments under Rule 23(a) and Rule 23(b)(3) of the Federal Rules of Civil Procedure. The proposed settlement class is:

Those retirees of Ames TT Plant #1 (and their eligible dependents or spouses who could claim an entitlement to an insurance allowance) who did not receive either the pre-65 or post-65 (or both) insurance allowances and retired in accordance with the 1995, 1998, or 2001 Pension Agreements and who did not previously execute a release of claims in favor of Defendants and who appear on Exhibit A to the

Settlement Agreement.


For the same reasons that the court laid out in its original approval of class certification, the court **APPROVES** the certification of this settlement class. Additionally, the court **GRANTS** preliminary approval of settlement, allowing the parties to begin the process of notifying the plaintiffs of a potential class settlement.

Finally, the court **APPROVES** the proposed schedule, which is as follows:

1. Class Notice mailed by March 18, 2013.
2. Objection / Exclusions made by April 1, 2013.
3. Final Approval Submissions made by April 15, 2013.
4. Final Approval Hearing will be held on May 22, 2013, at 10:00 a.m. The parties are expected to provide a proposed settlement order at this hearing.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 4, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE